

REMARKS

In the Office Action, claims 1-4 are rejected under 35 U.S.C. § 102; claims 10, 11, 14, 16-17, 41 and 42 are rejected under 35 U.S.C. § 103; claims 29-36 and 41-42 are provisionally rejected under 35 U.S.C. § 101; claims 18-28 are rejected under the judicially-created doctrine of obviousness-type double patenting; and claims 12, 13, 37-40 and 43 are considered allowable. Claims 10, 11, 13, 14, 26, 27 and 38 have been amended; claims 44-65 have been newly added; and claims 1-9, 12, 16-17, 29-36 and 41-42 have been canceled. Applicants believe that the rejections have been overcome in view of the amendments and for the reasons set forth below.

In the Office Action, claims 1-4 are rejected under 35 U.S.C. §102 as being anticipated by Galin. Claims 1-4 have been cancelled as previously discussed, thus rendering this rejection moot. Therefore, this rejection should be withdrawn.

In the Office Action, claims 41 and 42 are rejected under 35 U.S.C. §103 in view of Dougherty. Claims 41 and 42 have been canceled as previously discussed, thus rendering this rejection moot. Therefore, this rejection should be withdrawn.

In the Office Action, claims 29-36 and 41-42 are provisionally rejected under 35 U.S.C. §101. Claims 29-36 and 41-42 have been canceled as previously discussed, thus rendering this rejection moot. Therefore, this rejection should be withdrawn.

In the Office Action, claims 10, 11, 14, and 16-17 are rejected under 35 U.S.C. §103 in view of Applicant's alleged admission. Of these claims, claim 10 is the sole independent claim. As previously discussed, claim 10 has been amended. As amended, claim 10 further recites the limitations from claim 12, and further claim 12 has been canceled in view of same. The Patent Office has indicated that claim 12 is allowable. Therefore, the obviousness rejection of claims 10, 11, 14 and 16-17 should be withdrawn.

In the Office Action, claims 18-28 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-13 of U.S. Patent No. 6,291,498. In response, Applicant has filed a Terminal Disclaimer. Therefore, this rejection should be withdrawn and thus claims 18-28 should be allowed.

Applicant notes for the record that claims 11, 13, 14, 26, 27 and 38 have been amended. With respect to claims 11, 13, 26, and 38, these changes were made for clarification purposes. With respect to claims 14 and 27, these changes were effectively made to broaden the scope of the claimed subject matter as supported in the specification, for example, on page 27. Thus,

Applicant believes the changes made to claims 11, 13, 14, 26, 27 and 38 should not be deemed as to narrow and/or disclaim any claimed subject matter in view of same.

Further, claims 1-9, 16-17, 29-36 and 41-42 have been canceled without prejudice or disclaimer. Applicant reserves the right to file a continuation application(s) with respect to the claimed subject matter that has been canceled, such as claims 1-9, 16-17, 29-36 and 41-42, during the examination of the present application. Thus, the cancellation of claimed subject matter should not be deemed as an intent on the part of Applicant to disclaim and/or narrow any claimed subject matter in view of same. Accordingly, the rejections with respect to the pending claims should be rendered moot and thus withdrawn as previously discussed.

Applicant has added new claims 44-69. No new matter has been added thereby. Applicant believes that the subject matter as defined in the newly added claims are patentable over the cited art.

As further noted, Applicant has not received a copy of PTO-1449 regarding the Information Disclosure Statement submitted by Applicant on August 13, 2001, indicating by the Examiner's initial that the references cited therein have been considered during the prosecution of the present application. Therefore, Applicant kindly requests that an initialed copy of the above-referenced PTO-1449 form be made of record and a copy of same be forwarded to Applicant.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance and earnestly solicits reconsideration of same.

Respectfully submitted,

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Date: December 19, 2003